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March 24, 2023

**BY EMAIL AND ECF**

The Honorable Analisa Torres  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007  
Torres\_NYSDChambers@nysd.uscourts.gov

***Re: Proskauer Rose LLP v. O'Brien, 1:22-cv-10918-AT (S.D.N.Y.)***

Dear Judge Torres:

We represent Plaintiff Proskauer Rose LLP (“Proskauer”) in the above-referenced action. We write in accordance with Section III.B.iv of Your Honor’s Individual Practices in Civil Cases concerning Defendant Jonathan O’Brien’s March 14, 2023 partial motion to dismiss [ECF No. 77].

While Proskauer does not believe that its pleadings are deficient, Proskauer plans, for reasons having nothing to do with Mr. O’Brien’s pending motion to dismiss one count of the Complaint, to seek leave to amend its Complaint within 30 days of the entry of the Case Management Plan and Scheduling Order (the “CMO”), which the parties are planning to submit to the Court on or before the March 31 deadline [*See* ECF No. 65]. Proskauer’s amended pleading may include additional facts and allegations which could bear on the pending motion to dismiss.

In our view, and particularly given that an amended pleading would supersede the current Complaint to which the pending motion is addressed, it is in the interest of both parties and judicial efficiency for Mr. O’Brien to review Proskauer’s proposed amended Complaint before proceeding further with his pending motion. We informed Mr. O’Brien’s counsel on March 21 that Proskauer intends to seek leave to amend its Complaint within the period set forth in the CMO, but counsel declined to voluntarily postpone Mr. O’Brien’s motion.

Respectfully submitted.

DEBEVOISE & PLIMPTON LLP

The Honorable Analisa Torres

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cc (by ECF): All Counsel of Record